

REMARKS

Claims 1-27 were pending at the time of examination. Claims 1-27 stand rejected under 35 USC 102(e) as being anticipated by Berry et al. Applicant has amended claims 1, 11, 12, 23, and 24, and has canceled claims 3, 19, and 20. In view of the amendments and arguments set forth below, Applicant respectfully submits that all remaining claims are in condition for allowance.

I. Rejection of claims 1-27 under 35 USC 102(e).

At pages 2-5 of the Office Action, the Examiner rejected claims 1-27 under 35 USC 102(e) as being anticipated by Berry et al. (USP 6,195,693). Applicant respectfully traverses this rejection.

According to MPEP 706.02, "for anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." Applicant respectfully submits that in the present application, Berry does not expressly or impliedly teach all of the elements recited in claims 1-27. More specifically, Berry does not explicitly or impliedly teach an "identifier" that identifies hardware, namely, a "first identifier" that "uniquely identifies a player unit" or a "second identifier" that "uniquely identifies a player unit."

The Examiner asserts that Berry discloses an identifier that uniquely identifies a player unit. To support this assertion, the Examiner cites Berry at col. 10, lines 18-20 and col. 11, lines 5-7. Applicant respectfully disagrees with this statement by the Examiner and submits that Berry actually discloses an identifier that is used for something other than identifying a player unit.

Looking at Berry, the "unique identifier" cited by the Examiner is actually "utilized to identify *unique CD titles* and is based on the Red Book audio CD standard, well known in the art of digitally recorded data" (col. 10, lines 20-22) (emphasis added). Berry states more than once that the "unique identifier is based on the 'Red Book' audio standard, well-known in the electronics recording arts" (Berry, col. 11, lines 34-36). Even the independent claims of the Berry patent disclose that the identifier is based on this "Red Book" standard. So Berry is very clear that its "unique identifier" is used to identify CD titles using the Red Book standard.

In the Berry patent, it appears that the unique identifier allows a computer system to identify a CD title that is being played on the computer system. The computer system can then retrieve multimedia data to be shown while that CD title is playing (see, e.g., Berry at col. 10, lines 27-41).

Unlike Berry, claims 1-27 of the present application use a completely different type of identifier. As amended, the identifier of claim 1 “uniquely identifies a *player unit*.” And in amended claims 11, 23, and 24, the “first identifier” and the “second identifier” are both used to identify *player units*. The identifiers used in independent claims 1, 11, 23, and 24 therefore identify *hardware*, and are never used to identify CD titles or any other media files. The identifiers of claims 1, 11, 23, and 24 are based on the player unit itself, and not on any particular specification such as the “Red Book” standard. Therefore, the unique identifier of Berry does not anticipate the identifiers of claims 1-27.

It should be noted that because the unique identifier of the Berry patent is based on the Red Book standard, a particular CD title will always have the same identifier, regardless of which computer system it is played on. For instance, a CD title named “Song 1” will have the same identifier on every CD it is burned onto, because the identifier comes from the Red Book standard. So if “Song 1” is distributed to 1000 customers, all 1000 copies of “Song 1” will have the same identifier. In contrast to this, the “identifier” of Applicant’s claims 1-27 is based on the *player unit*, and not a well-known industry standard. So in Applicant’s system, if “Song 1” is distributed to 1000 customers, all 1000 copies of “Song 1” will have different identifiers that are based on the player units of the customers.

Because the “identifiers” disclosed in claims 1-27 are used to uniquely identify hardware, namely a player unit, they are completely dissimilar to the “unique identifiers” disclosed by Berry. As such, Berry does not anticipate claims 1-27 and the Examiner’s rejection of claims 1-27 has been overcome. Applicant respectfully requests that these claims be allowed.

II. Objection to the drawings.

At page 2 of the Office Action, the Examiner objected to the drawings “because they fail to show necessary textual labels of features or symbols in Figs. 6 as described in the

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specification." A redlined version of Fig. 6 is included herewith for the Examiner's review and approval.

III. Conclusion.

Applicant asks that all pending claims be allowed. No fee is believed to be due at this time.